

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

CHRISTOPHER PROSSER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 98-6097-CV-SJ-FJG
	)	
VICTOR BRUHN, ET AL.,	)	
	)	
Defendants.	)	

**MOTION FOR CONTINUANCE**

COMES NOW the Defendant, by counsel, and moves the Court for its Order continuing this cause from its present setting on the October jury trial docket for the reasons that:

1. Prior to September 1, 2005, counsel was associated with the Public Interest Litigation Clinic (PILC) in Kansas City, Missouri. Counsel was actively preparing for the trial of this matter with the assistance of employees of PILC. The work to be performed by those employees was essential to final trial preparations in this matter. Due to the fact that counsel has involuntarily separated from PILC, he no longer has access to the resources of that firm and cannot associate with other attorneys or paralegals to assist him in this matter because they could not become sufficiently familiar with the case in the time remaining.

2. On September 13, 2005, the parties participated in a mediation effort by the

Hon. John T. Maughmer. While the parties could not resolve the dispute, certain issues now seem capable of resolution and will be the subject of further discussion.

3. During that same meeting of parties and counsel, the undersigned advised lead and co-counsel for the defendants of his intention to seek this continuance. The defendants do not oppose this continuance under the unique circumstances present.

4. The parties jointly ask that if this matter is continued, that it be placed on the January, 2006, jury trial docket.

5. The parties are mindful of the age of this litigation and all desire to bring it to a conclusion, however, the parties believe that the interests of justice are best served by plaintiff's case being represented by counsel that has adequate time and resources to prepare fully for trial.

WHEREFORE, plaintiff, without opposition, moves the Court for its Order continuing the trial of this matter until the January, 2006, jury trial docket.

Respectfully submitted,

s/ Phillip R. Gibson

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*Counsel for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Ryan Bertels, Assistant Attorney General.

s/ Phillip R. Gibson

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*Counsel for Plaintiff*